IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 11609 of 2002

Between:

N.Sankar Rao, S/o Subba Rao,
R/o Ameerpet, Hyderabad.

..... PETITIONER

AND

1 Commissioner of Agriculture, Government of A.P.
Hyderabad.
2 The Superintendent of Police
Kurnool District.
3 P.S. Town No.III Nandyal,
Kurnool District.
4 P.S.Ameerpet,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, Order or Direction more in the nature of Writ of Mandamus or any other appropriative writ forbearing the respondents from muddling with the business of the petitioner without showing any cause and notice by declaring the action of the Respondents 2 to 4 as illegal and void.

Counsel for the Petitioner: MR.T.SUBRAMANYAM

Counsel for the Respondents: GP FOR HOME

The Court made the following:

ORDER:

The petitioner is a proprietor of M/s.Swaraj Agri-Tech Seeds, Hyderabad. On an allegation that the petitioner was selling defective cotton seeds to the growers, the fourth respondent visited his shop and made enquiries. Subsequently, the third respondent registered crime No.73 of 2002 on 20.06.2002 and seized the stocks from the petitioner's factory at Nandhyal. Alleging that thereafter the police are regularly interfering with the business of the petitioner, the present writ petition is filed seeking a writ of Mandamus directing the respondents not to interfere with the business.

This Court admitted the writ petition on 09.07.2002. However, by order dated 31.12.2002, this Court declined to pass interim orders. In the counter affidavit by the third respondent, it is stated that after investigating the crime being crime No.73 of 2002, the police filed the charge sheet on the file of the Court of the Judicial Magistrate of First Class, Nandhyal and that the trial is pending.

Though the counter affidavit is filed on 09.07.2002, no reply affidavit is filed. Therefore, it shall be open to the petitioner to raise all his defenses before the Criminal Court and this writ petition is misconceived.

The writ petition is accordingly dismissed as devoid of merits.

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(V.V.S.RAO,J)

24.06.2005.

pln

To

1 The Commissioner of Agriculture, Government of A.P.
Hyderabad.
2 The Superintendent of Police, Kurnool District.
3 The Station House Officer, P.S. Town No.III Nandyal,
Kurnool District.
4 The Station House Officer, P.S.Ameerpet, Hyderabad.

5 Two CCs to Government Pleader for Home,, High Court Buildings,

Hyderabad (OUT).

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